

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO CONTINUED---SENTENCING MINUTE SHEET													
CR No: 15-2734 JB				USA vs.: Montano									
Date: 6/5/19				Name of Deft: Alex Montano									
Before the Honorable: James O. Browning													
Time In/Out:		10:19am-11:41am				Total Time in Court (for JS10):				1 hr 22 Minutes			
Clerk:		C. Bevel				Court Reporter:				J. Bean			
AUSA:		Paul Mysliwicz				Defendant's Counsel:				Wayne Baker			
Sentencing in:		Albuquerque				Interpreter:							
Probation Officer:		Mindy Pirkovic				Interpreter Sworn?				<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input checked="" type="checkbox"/> Plea		<input type="checkbox"/> Verdict		As to:		<input type="checkbox"/> Information		<input checked="" type="checkbox"/> Indictment			
If Plea:		<input type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		Adjudged/Found Guilty on Counts:							
If Plea Agreement:		<input type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		<input type="checkbox"/> No Plea Agreement		Comments:					
Date of Plea/Verdict:		5/2/16		PSR:		<input type="checkbox"/> Not Disputed		<input type="checkbox"/> Disputed		<input type="checkbox"/> Courts adopts PSR Findings			
Evidentiary Hrg:		<input type="checkbox"/> Not Needed		<input type="checkbox"/> Needed		Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP):									
Supervised Release:										Probation:			
REC		<input type="checkbox"/> 500-Hour Drug Program		<input type="checkbox"/> BOP Sex Offender Program		Other:							
ICE		<input type="checkbox"/> Court recommends ICE begin removal proceedings immediately or during service of sentence								<input type="checkbox"/> ICE not applicable			
SPECIAL CONDITIONS OF SUPERVISION													
<input type="checkbox"/> No re-entry without legal authorization						<input type="checkbox"/> Home confinement for _____ months _____ days							
<input type="checkbox"/> Comply with ICE laws and regulation						<input type="checkbox"/> Community service for 60 hours during supervised release.							
<input type="checkbox"/> Participate in/successfully complete subst abuse program/testing						<input type="checkbox"/> Reside halfway house 6 months _____ days							
<input type="checkbox"/> Participate in/successfully complete mental health program						<input type="checkbox"/> Register as sex offender							
<input type="checkbox"/> Refrain from use/possession of alcohol/intoxicants						<input type="checkbox"/> Participate in sex offender treatment program							
<input type="checkbox"/> Submit to search of person/property						<input type="checkbox"/> Possess no sexual material							
<input type="checkbox"/> No contact with victim(s) and/or co-defendant(s)						<input type="checkbox"/> No computer with access to online services							
<input type="checkbox"/> No entering or loitering near victim's residence						<input type="checkbox"/> No contact with children under 18 years							
<input type="checkbox"/> Provide financial information						<input type="checkbox"/> No volunteering where children supervised							
<input type="checkbox"/> Waive right of confidentiality and allow the treatment provider to release treatment records						<input type="checkbox"/> Restricted from occupation with access to children							
<input type="checkbox"/> Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.						<input type="checkbox"/> No loitering within 100 feet of school yards							
<input type="checkbox"/> Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).						<input type="checkbox"/> If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program							
OTHER:													
Fine: \$		0				Restitution: \$		0					
SPA: \$		(100 per count)				Payment Schedule:		<input type="checkbox"/> Due Immediately		<input type="checkbox"/> Waived			
OTHER:													
<input type="checkbox"/> Advised of Right to Appeal		<input type="checkbox"/> Waived Appeal Rights per Plea Agreement											
<input checked="" type="checkbox"/> Deft. On conditions of release		<input type="checkbox"/> Voluntary Surrender											
Recommended place(s) of incarceration:													
Dismissed Counts:													

OTHER COMMENTS:

Court addresses counsel regarding his knowledge of Reverend Mansfield
Court inclined not to impose 2 level reduction, sustain objection to paragraph 26.
Mr. Baker has nothing further.
Mr. Mysliwiec has nothing further
Court turns to 2 level enhancement 2D1.12, inclined to impose enhancement.
Court agrees with Mr. Mysliwiec and US Probation; objection overruled. 2 level enhancement is applicable. Court turns to safety valve eligibility.
Mr. Mysliwiec request recess to confer with criminal chief.
Court indicates defendant would need to re-plea before the US Magistrate.
Sentencing continued.
11:41am- Court in recess.